

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTA ANN HOWARD,

Case No. 1:14-cv-469

Plaintiff,

v.

Hon. Paul L. Maloney

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER DENYING APPLICATION FOR *IN FORMA PAUPERIS* STATUS

Plaintiff has submitted a *pro se* Social Security appeal in this Court but has failed to pay the \$400.00 filing fee. This matter is now before the Court on plaintiff's affidavit of financial status, which is construed as an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (docket no. 2). Plaintiff's affidavit discloses that she is married, unemployed, and has monthly household expenses in the amount of \$2,183.00.¹ Plaintiff, however, has not provided specific information regarding monthly household income. Rather, she has reported gross annual income from property located at 323 Surby Avenue, Battle Creek, Michigan, in the amount of \$5,779.71 and an undisclosed amount of unemployment compensation paid to Agnew Howard (presumably her husband) during December 2013, January 2014, March 2014 and part of April 2014. Plaintiff's assets include over \$7,000.00 of cash in a credit union and a bank, a small amount of cash on hand, \$30,000.00 of equity in her residence, and two vehicles owned by Agnew Howard which are paid off and worth \$20,000.00.

¹ Plaintiff's monthly expenses include \$155.00 for auto insurance. Based on the affidavit, this expense is approximately 1/12th of an annual payment of \$1,863.00, which was due on May 1, 2014.

The filing fee for a civil action is \$400.00. The court should only grant leave to proceed *in forma pauperis* when it reasonably appears that paying the cost of this filing fee would impose an undue financial hardship. *See Prows v. Kastner* 842 F.2d 138, 140 (5th Cir. 1988). In light of plaintiff's income, assets and financial obligations as demonstrated in the affidavit, it does not appear that the filing fee would be beyond her means or impose an undue hardship upon her. Accordingly, plaintiff's application for leave to proceed *in forma pauperis* (docket no. 2) is **DENIED**. Plaintiff is informed that she must submit the \$400.00 filing fee within 28 days of the date of this order or the action will be dismissed.

IT IS SO ORDERED.

Date: May 21, 2014

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge